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ARLINGTON, MA 02174  
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## ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts  
Middlesex, ss

DOCKET NO. 3801

DECISION  
Special Permit Under  
ENVIRONMENTAL DESIGN REVIEW

Applicant: Santini Realty Trust, 60 Dudley Street, Arlington, MA 02476

Property Address: 61 Dudley Street, Arlington, MA

Hearing Date: June 17, 2024

Date of Decision: June 17, 2024

20 Day Appeal Period Ends: \_\_\_\_\_, 2024

### Board Members

#### Approved the Permit

Eugene Benson \_\_\_\_\_

Shaina Korman-Houston \_\_\_\_\_

Kin Lau \_\_\_\_\_

Stephen Revilak \_\_\_\_\_

Rachel Zsembery \_\_\_\_\_

#### Denied the Permit

Eugene B. Benson

Stephen Revilak  
Rachel Zsembery

\_\_\_\_\_  
Town Clerk's Certification

\_\_\_\_\_  
Date



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## **Arlington Redevelopment Board**

730 Massachusetts Avenue, Arlington, Massachusetts 02476

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### **DECISION OF THE BOARD**

#### **Environmental Design Review Special Permit Docket #3801 61 Dudley St, Arlington, MA 02476**

**June 17, 2024**

This Decision applies to the Special Permit application filed by Mark and Gary Santini, Santini Realty Trust, 60 Dudley Street, Arlington, MA 02474, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.3, Special Permit, and Section 3.4, Environmental Design Review. The applicant requires a Special Permit to replace an existing single-family residence located at 61 Dudley Street, Arlington, MA, in the Industrial District, with a two-family residence. The existing single-family residence is a nonconforming use and structure. The proposed two-family residence would also be a nonconforming use and structure. The Arlington Redevelopment Board (ARB) reviewed the Special Permit application in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.3, Special Permits, Section 3.4, Environmental Design Review, and Section 8.1, Nonconforming Uses and Structures.

The ARB held a public hearing on June 17, 2024.

**VOTE:** The ARB voted (4-1) to deny a Special Permit for Docket #3801 on June 17, 2024.

Materials submitted for consideration of this Decision:

- Application for EDR Special Permit,
- Dimensional and Parking Information,
- Impact Statement,
- Site Plan,
- LEED Checklist, and
- Architectural Drawings.

The Arlington Zoning Bylaw requires the ARB to make findings that all seven criteria set forth in Section 3.3.3. have been met in order to grant a special permit. As described below, the ARB finds that some of those criteria were not met.

**1. Section 3.3.3.A.**

The requested use, a two-family residence, is not listed as a special permit use for the Industrial District. Although the two-family residence is not a listed special permit use, any nonconforming use of a structure may be changed to another nonconforming use by special permit upon a finding that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use pursuant to Sections 8.1.1.A, 8.1.2.B, and 8.1.3.B. The ARB finds that the change from a one-family use as a rental to a two-family use as condominiums would be more detrimental to the neighborhood because the neighborhood is not zoned for such residential uses, adding a different residential use would be contrary to the intention of the Zoning Bylaw that the neighborhood be for uses listed in Section 5.6.3 of the Zoning Bylaw for the industrial district and would make it less likely that the property would later be used for one of those uses. Unlike some other districts in town, the town has very little industrially zoned land and should not allow new uses there that are inconsistent with the zone.

**2. Section 3.3.3.B**

The ARB finds that the requested use as a two-family residence in the industrial district is not essential or desirable to the public convenience or welfare. The public convenience and welfare are that new uses in the Industrial District be consistent with the uses set forth for that district in the Zoning Bylaw because the town has very little industrially zoned land and the parcels there should be reserved for such uses when there is a change in use.

**3. Section 3.3.3.C.**

The proposed duplex residential use is similar to the pre-existing, nonconforming use that has been on the site for many years. As such, it will not create any significant additional traffic or pedestrian safety impacts in the area. The Board finds that this condition is met.

**4. Section 3.3.3.D.**

The proposed duplex residential use would replace the single-family residential use, which has been on the site for many years and has not overloaded any public utilities. The addition of a second residential unit will increase water and sewer usage but likely not to an extent that would overload public systems in the neighborhood. The Board finds that this condition is met.

**5. Section 3.3.3.E.**

There are no special regulations which apply to the proposed use. The Board finds that this condition is met.

**6. Section 3.3.3.F.**

The ARB finds that adding a new two-family residential use would impair the integrity and character of the district because the district is not zoned for such uses and allowing a new use would impair the proposed character of the district.

#### **7. Section 3.3.3.G.**

The ARB finds that adding a new two-family residence in the place of a single-family residence will cause an excess of residential uses detrimental to the industrial district because it will reduce the likelihood that the parcel will be later used as set forth in Section 5.6.3 of the Zoning Bylaw for industrial districts.

**Although unnecessary because the ARB has determined that the Special Permit criteria have not been met, the ARB finds that the following criteria would have been met, per Section 3.4, Arlington Zoning Bylaw:**

##### **1. EDR-1 Preservation of Landscape**

The existing site has a lawn with trees along the rear and left side lot lines. The trees will not be removed as part of the proposed construction. The front left portion of the lot is within 200 feet of Mill Brook, thus the plantings in that area are under the jurisdiction of the Conservation Commission.

##### **2. EDR-2 Relation of the Building to the Environment**

The proposed duplex dwelling will be similar in scale to the existing two-and three-family dwellings on Dudley Street.

##### **3. EDR-3 Open Space**

There is no requirement for Usable Open Space in the industrial district. The existing site has large open space areas; however, the open space is not useable by the residents due to the industrial traffic to the front of the site.

##### **4. EDR-4 Circulation**

The proposal includes the addition of a second driveway and an expansion of the existing driveway allowing for exterior tandem parking. Additionally, there is one basement-level garage space proposed at the end of each driveway totaling at least two spaces per unit. Each driveway services one side of the duplex exclusively, allowing for orderly vehicular circulation.

##### **5. EDR-5 Surface Water Drainage**

The two proposed driveways will be surfaced with a permeable paver and pitched towards trench drains leading to a subsurface infiltration chamber. The remainder of the site will not be substantially re-graded. The front left portion of the lot is within the 200-foot riverfront zone from Mill Brook and is under the jurisdiction of the Conservation Commission.

##### **6. EDR-6 Security for Stormwater Facilities**

The proposal will use pervious pavers across the site and in construction of a new driveway which will also employ trench drains and an infiltration chamber, thus mitigating increased storm water impacts and improving surface water drainage over existing conditions.

##### **7. EDR-7 Utilities Service**

Utility access will not change as a result of this proposal.

**8. EDR-8 Advertising Features**

As a residential property, there will not be any advertising features apart from house numbers.

**9. EDR-9 Special Features**

As a residential property, there will not be any special features.

**10. EDR-10 Safety**

The proposed duplex dwelling is designed in compliance with the Ninth Edition of the Massachusetts State Building Code and shall not include public or semi-public spaces.

**11. EDR-11 Heritage**

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*.

**12. EDR-12 Microclimate**

The expanded building and second driveway will increase the hard-scape coverage on the lot. The driveways will be surfaced with a permeable material to encourage retention of water on the site. A public shade tree will be planted in front of the building to provide shade for the street and front yard areas. Existing trees in the left and rear yards will remain.

**13. EDR-13 Sustainable Building and Site Design**

A LEED checklist was provided for this proposal; however, the Applicant does not intend to submit this project for certification under the LEED for Homes protocols. The proposal is subject to both the specialized stretch code and the fossil fuel free bylaw.

**In addition, as set forth in Section 1.4 of the Zoning Bylaw, the proposed two-family residence would be required to conform with all the requirements of the Zoning Bylaw. The proposal set forth in the application failed to conform to these requirements:**

- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line. (§ 5.6.2.D(2))
- The required minimum transparency of the ground floor principal façade visible from a public right-of-way shall be 50% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk. (§ 5.6.2.D(3))
- The primary building entry shall be connected by an accessible surface to the public sidewalk. (§ 5.6.2.D(3))
- Provide a shade tree every 35 linear feet of lot frontage along a public right of way, and to the extent practicable, irrigated planter boxes every 15 linear feet of frontage along a public right of way. (§ 5.6.2.D(5))
- For lots that abut the Minuteman Bikeway, two (2) benches or similar permanent seating accessible to the public should be located within the yard adjacent to the Bikeway. (§ 5.6.2.D(5))

- A project requiring Environmental Design Review shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. (§ 6.4.1)
- The parking area shall be located to the rear or side of the primary building. No parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or the Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest. (§ 6.1.10. F. (1))

Because the ARB determined that the applicant did not meet the criteria for a special permit, it did not determine whether it could or should modify those requirements for the project or if there were other requirements of the Zoning Bylaw that the project did not meet.

As required by M.G.L. c.40A, §9, a positive vote of at least four members of the ARB is necessary to issue a special permit. The ARB moved Docket #3801 on June 17, 2024, resulting in denial of the special permit (four opposed to issuing the permit and one in favor).